

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00408-CR

JOSHUA THOMAS MARRA, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 9th District Court
Montgomery County, Texas
Trial Cause No. 15-07-07300-CR

MEMORANDUM OPINION

On February 14, 2017, we abated the appeal to the trial court. On April 6, 2017, the trial court conducted a hearing to determine why the appellant's brief had not been filed. *See* Tex. R. App. P. 38.8(b). The appellant personally appeared at the hearing and expressed his desire to waive his right to appeal. We received the supplemental reporter's record on April 11, 2017. The appeal is hereby reinstated.

The Court finds the appellant has voluntarily abandoned the appeal. Our opinion has not issued in this appeal, and the appellant stated in open court that he

wishes to waive his right to appeal. Furthermore, counsel for the appellant stated that he could not find a basis for a successful appeal. On April 12, 2017, Marra informed this Court in writing, personally signed by the appellant and joined by appellate counsel, that Marra no longer wishes to proceed with the appeal. Accordingly, the appeal is dismissed. *See* Tex. R. App. P. 42.2.

APPEAL DISMISSED.

STEVE McKEITHEN
Chief Justice

Submitted on April 25, 2017
Opinion Delivered April 26, 2017
Do Not Publish

Before McKeithen, C.J., Kreger and Johnson, JJ.